

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JOHN ANTHONY GENTRY, sui juris/pro se)	
)	
Plaintiff,)	
vs.)	
)	
THE STATE OF TENNESSEE; PAMELA)	CASE NO. 3:17-0020
ANDERSON TAYLOR; BRENTON HALL)	
LANKFORD; SARAH RICHTER PERKY;)	JURY TRIAL DEMANDED(12)
UNNAMED LIABILITY INSURANCE)	
CARRIER(S); et al.)	
)	
Defendants.)	

MOTION TO DISMISS FILED BY DEFENDANTS
PAMELA TAYLOR AND BRENTON LANKFORD

Come now, Defendants Pamela Taylor and Brenton Lankford (collectively, “Defendants”), and move the Court to dismiss the Second Amended Complaint on the grounds of res judicata and litigation privilege.¹

Defendants represent Plaintiff’s ex-wife in their divorce proceeding in Sumner County Circuit Court before the Honorable Judge Joe H. Thompson (the “Divorce Action”), and the subsequent appeal of that action.² This is the second lawsuit filed by Gentry against Defendants arising out of the same set of facts, that is, Plaintiff’s dissatisfaction with the results of his divorce. The first lawsuit against Defendants was initiated by complaint filed on October 3, 2016 (the “Prior Complaint”), in the Circuit Court for Davidson County (the “Davidson Lawsuit”). By order entered January 26, 2017, the Davidson County Circuit Court granted Defendants’ Motion to Dismiss (the “Davidson Court Judgment”). Defendants were first joined

¹ In the event this Motion to Dismiss is denied, Defendants reserve the right to file a Motion to Dismiss for Failure to State a Claim pursuant to Fed. R. Civ. P. 12(b)(6) and/or a Motion for Judgment on the Pleadings pursuant to Fed. R. Civ. P. 12(c). Defendants may also join in any Motion to Dismiss, Motion for Judgment on the Pleadings, or Motion for Summary Judgment filed by any co-defendant in this action.

² The Divorce Action is styled *Katherine Wise Gentry v. John Anthony Gentry*, Case No. 2014CV393, filed in the Circuit Court for Sumner County, Tennessee at Gallatin.

in this federal case when Plaintiff filed his Amended Complaint on March 16, 2017, and then his Second Amended Complaint (the “Complaint”) on March 27, 2017. The causes of action asserted in the Federal Complaint, like those in the Davidson Lawsuit, arise out of Defendants’ representation of Plaintiff’s ex-wife the Divorce Action. All of the allegations contained in both the Davidson Lawsuit and this case arise out of the same set of facts, that is, Defendants’ representation of Plaintiff’s ex-wife, which have already been litigated in the Davidson Lawsuit and/or could have been brought in the Davidson Lawsuit. Further, the Rooker Feldman doctrine prevents this Court from reviewing the decision of the Davidson County Circuit Court. As such, Plaintiff’s claims must be dismissed under the doctrine of *res judicata*.

To the extent that any of Plaintiff’s claims are not dismissed on *res judicata* grounds, then the claims should be dismissed based on litigation privilege since the Defendants’ actions complained of in the Complaint were taken in a representative capacity in the Divorce Action.

WHEREFORE, Defendants by and through their undersigned attorneys, respectfully request that this Court grant their Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the grounds of *res judicata* and litigation privilege, and dismiss Plaintiff’s Second Amended Complaint against Defendants with prejudice.

Respectfully submitted,

s/ Erika R. Barnes

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*Counsel for Defendants Pamela Anderson Taylor
and Brenton Hall Lankford*

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of April, 2017, a true and correct copy of the foregoing document was filed electronically. Notice of this filing was sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's filing system. The filing was also served by electronic mail and first-class mail, postage pre-paid, upon:

John Anthony Gentry
208 Navajo Court
Goodlettsville, TN 37072

s/ Erika R. Barnes
Erika R. Barnes